

OFFICIAL COPY

Fresno, California

September 24, 2002

The City Council met in regular session at the hour of 9:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

City Manager Hobbs gave the invocation, and President Lincoln, from the Civil War Revisited event, led the Pledge of Allegiance to the Flag.

(ADD-ON) PROCLAMATION OF CIVIL WAR REVISITED WEEKEND - COUNCILMEMBER DUNCAN

Read and presented.

- - - -

(9:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 9:40 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF AUGUST 20, 2002

On motion of President Perea, seconded by Acting President Castillo, duly carried, RESOLVED, the Agency minutes of August 20, 2002, approved as submitted.

(“A”) AGENCY RESOLUTION NO. 1610 - APPROVING EXECUTION OF AN OWNER PARTICIPATION AGREEMENT WITH WESTGATE HOUSING ASSOCIATES, L.P., ACTING THROUGH ITS GENERAL PARTNER, A.F. EVANS COMPANY, INC., A CALIFORNIA CORPORATION, INCLUDING RELATED LOAN DOCUMENTS TO FINANCE A PORTION OF REHABILITATION COSTS OF THE WESTGATE GARDENS; MAKING FINDINGS AND APPROVALS IN CONNECTION THEREWITH; AND AUTHORIZING THE EXECUTION OF DOCUMENTS

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted and advised Stan Rosen, Vice President for A. F. Evans Company and Scott Vincent, the architect for the project, were present to answer any questions.

Barbra Hunt 2475 S Walnut, spoke in support of the project.

Councilmember Ronquillo thanked the investor, spoke to need to have and people to maintain certain landscape standards, and made a motion to approve staff's recommendation, which motion was seconded and acted upon after brief discussion. Ms. Murphey and Mr. Rosen responded to questions of Councilmembers Boyajian and Castillo relative to A.F. Evans' experience with these types of projects in other cities, type of security for the City, specifics of the \$250,000 loan and the \$5,000 in yearly reserves, and why the City of Fresno was in third place on the loan.

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Agency Resolution No. 1610 hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“B”) AWARD A CONTRACT FOR KINGS CANYON BEAUTIFICATION BETWEEN FIRST STREET AND CHESTNUT AVENUE

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke in support.

A motion and second was made to approve staff's recommendation. Lengthy discussion ensued with Ms. Murphey, Agency Director Fitzpatrick, Controller Quinto and City Attorney Montoy clarifying issues and responding to questions and/or concerns of President Perea, Acting President Castillo, and Councilmembers Quintero, Boyajian and Calhoun relative to how staff arrived at the \$573,611 figure, where the funds were shown in the Agency's budget, if the funds were currently available, specifics of relinquishment funds, if the Controller would be sending the funds to the Agency at some point, if \$450,000 was guaranteed for the project, President Perea supporting the project but expressing concern with approving it when funding may not be received, why the Council/Agency should approved this without knowing if the funding was available, recommendation to hold the matter over to 2:00 p.m. to allow staff to determine if the funds were available, Councilmember Ronquillo expressing his support and suggesting the project be approved conditioned upon the funds being available, clarification on whether the funds would come from the relinquishment fund or the Airport Gap payment, when the first check from the Fresno County Tax Assessor was expected, if the City Attorney was confident Fresno would receive the check in January since the wait has been two years, where relinquishment funds come from, concern with starting to develop a trend of spending money that is not available, amount of money in the relinquishment fund, \$466,000 being budgeted in FY 02 and not re-programmed in FY 03, whether the funds were carried over, concern with the price being 26% over the Engineer's estimate, if a better price could be received if the matter is postponed a few months, why staff feels the project should move forward

at this time, **(2 - 0)** concern with the last landscaping work and need to set parameters on this project, President Perea reiterating his concern with the lack of a definitive funding source, if the City would be receiving the expected/anticipated tax revenues, and Acting President Castillo stating he could not support the project as it was \$175,000 over the Engineer's estimate, Council was being told the City may not get the \$150,000 from Fresno County, and the funding source was unknown, and spoke briefly to the Cedar/Shields project in his district with funding identified and set aside.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, a contract for the Kings Canyon Beautification project between First Street and Chestnut Avenue hereby awarded to D. H. Williams Construction of Fresno for the Base Bid minus Deductive Alternate "A" for palm trees, in the amount of \$573,611, by the following vote:

Ayes	:	Boyajian, Calhoun, Quintero, Ronquillo, Duncan
Noes	:	Castillo, Perea
Absent	:	None

- - - -

The joint bodies adjourned their meeting at 10:27 a.m. and the City Council reconvened in regular session.

APPROVE CITY COUNCIL MINUTES OF SEPTEMBER 17, 2002

On motion of Councilmember Ronquillo, seconded by Acting President Castillo, duly carried, RESOLVED, the minutes of September 17, 2002, approved, *as amended*, on Page 140-122, Item 5-A, second paragraph, correcting the date in the eighth line to read "...a 1999 staff report" instead of "...a 1994 staff report".

- - - - -

APPROVE AGENDA:

(1-I) AWARD A PROFESSIONAL SERVICES CONTRACT FOR PUBLIC INFORMATION SERVICES FOR THE DEPARTMENT OF PUBLIC UTILITIES

Removed from the agenda with City Manager Hobbs clarifying why upon question of President Perea.

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

ADOPT CONSENT CALENDAR:

(1-B) APPROVE AMENDMENT NO. 1 TO THE AGREEMENT WITH DALE RUTHERFORD, AIA, FOR ARCHITECTURAL CONSULTANT SERVICES FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT SMART PROGRAM

(1-C) APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH BROWN-BUNTIN ASSOCIATES, INC., ACOUSTIC CONSULTANT, FOR CONSULTANT SERVICES FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT FAR PART 150 NOISE COMPATIBILITY PROGRAM, SMART PROGRAM PHASE 7 BID GROUP 12

(1-E) AUTHORIZE THE PARKS AND RECREATION DIRECTOR TO EXECUTE AN AGREEMENT WITH THE FRESNO-MADERA AREA AGENCY ON AGING FOR SITE MANAGEMENT OF THE SENIOR CITIZEN HOT MEALS PROGRAM FOR FY 2003

(1-F) APPROVE ACQUISITION OF PROPERTY AT 2024 E. PONTIAC WAY (ADJACENT TO GRANNY'S PARK - APN 436-183-18) FROM HAROLD AND GLORIA SHERFY FOR \$9,000 FOR OPERATION OF A PARKS AND RECREATION DEPARTMENT COMMUNITY SCIENCE PROGRAM, AND AUTHORIZE THE PARKS AND RECREATION DIRECTOR TO SIGN THE ACQUISITION DOCUMENTS ON BEHALF OF THE CITY

(1-G) RATIFY AN AMENDMENT TO THE CALIFORNIA TECHNOLOGY TRADE AND COMMERCE AGENCY GRANT FOR THE GAP PONDING BASIN "T" RELOCATION AND EXPANSION PROJECT TO EXTEND THE GRANT UNTIL SEPTEMBER 30, 2003

(1-J) * RESOLUTION NO. 2002-307 - 27TH AMENDMENT TO AAR 02-216 APPROPRIATING \$161,000 FOR PARKING AND GARAGE STAIR IMPROVEMENTS AT PARKING GARAGE NO. 8, AND PROVIDE \$10,000 FOR A RELATED PROJECT FOR THE REPLACEMENT OF FLOORING IN THE ELEVATORS OF PARKING GARAGES NOS. 4, 7 AND 8, WHICH HAS BEEN BID AS A SEPARATE PROJECT UNDER INFORMAL BIDDING PROCEDURES

1. AWARD A CONTRACT TO D.H. WILLIAMS OF FRESNO IN THE AMOUNT OF \$128,708 FOR THE INSTALLATION OF STAIRS AT PARKING GARAGE NO. 8

(1-K) AWARD A CONTRACT TO TRON CONSTRUCTION, INC., OF FRESNO FOR THE BASE BID PLUS ALL ADD-ALTERNATES IN THE AMOUNT OF \$824,549 TO PROVIDE ACOUSTICAL INSULATION TO 50 HOMES IN THE VICINITY OF THE FRESNO YOSEMITE INTERNATIONAL AIRPORT UNDER THE SMART NOISE COMPATIBILITY PROGRAM

(1-L) RESOLUTION NO. 2002-308 - APPROVING FINAL MAP OF TRACT NO. 5007 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF E. BEHYMER AND N. WILLOW AVENUES (DISTRICT 6)

1. * RESOLUTION NO 2002-309 - 29TH AMENDMENT TO AAR 02-216 APPROPRIATING \$109,000 FOR ACQUISITION AND LEGAL COSTS TO ACQUIRE RIGHTS-OF-WAY FOR IMPROVEMENTS ON THE NORTH SIDE OF E. BEHYMER RELATED TO TENTATIVE MAP NO. 5007

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT WITH THE ADDENDUM FOR RIGHT-OF-WAY ACQUISITION, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY STREET FACILITIES

3. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES, AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR RIGHT TO FARM

4. AUTHORIZE THE FIRE CHIEF TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY EMERGENCY FIRE LANE ONLY

On motion of Councilmember Ronquillo, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

CONSENT CALENDAR - BILL FOR INTRODUCTION:

(2-A) * BILL NO. B-51 - TEXT AMENDMENT NO. TA-02-01 - AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE TO STREAMLINE THE REZONING PROCESS AND MAKE MINOR CLARIFICATION CHANGES TO OTHER SECTIONS OF THE ZONING ORDINANCE

On motion of Councilmember Ronquillo, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Bill No. B-51 introduced before the Council and laid over for public hearing on 10/1/02, at 10:30 a.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

CONTESTED CONSENT ITEMS:

(1-A) APPROVE CONTRACT WITH CENTRAL UNIFIED SCHOOL DISTRICT TO PROVIDE SCHOOL RESOURCES OFFICERS TO THE CENTRAL HIGH EAST CAMPUS AND CERTAIN MIDDLE SCHOOLS WITHIN THE DISTRICT

(1-D) APPROVE PROFESSIONAL SERVICES AGREEMENT WITH REINARD W. BRANDLEY, AIRPORT CONSULTING ENGINEER, FOR DESIGN OF THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TO REHABILITATE TAXIWAY A, REHABILITATE RUNWAY 11L/29R PHASE 1, AND REHABILITATE TAXIWAYS B2 & B3 PHASE I DESIGN, UNDER FEDERAL AVIATION ADMINISTRATION AIP GRANT NO. 3-06-0087-35

(1-H) AWARD A REQUIREMENTS CONTRACT FOR ELECTRICIAN SERVICES (LABOR ONLY)

(1-M) APPROVE ACQUISITION OF RESIDENCE AT 1229 N. LINDEN AVENUE FROM CAROL SIMERLY AND DIRECT THE PUBLIC WORKS DEPARTMENT TO PURSUE RELOCATION OF THE DWELLING TO A CITY-OWNED LOT ON FRUIT AVENUE

The above contested consent items 1-A, 1-D, 1-H and 1-M were pulled from the Consent Calendar and set for consideration on October 1, 2002.

- - - -

(9:45 A.M.) SEPTEMBER BUDGET UPDATE FY 2003

City Manager Hobbs and Finance Director/Controller Quinto advised important developments locally and at the State and Federal levels necessitated an update prior to the mid-year review, stated the City’s financial position continue to be strong but FY 03 resources may not be as strong as projected and explained, displaying graphs, charts and staff report attachments to illustrate, and advised of actions taken by the Administration, all as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Calhoun stated he was concerned that the budget was just completed and talk was occurring this early on about a hole in the budget, and presented questions relative to why the issues were not part of the budget process and discussed, whether the budget could be balanced and still have \$10 million in reserves, if \$10 million was currently in the reserves, what accounts the reserves were in, what the cash balance was in the general fund, how secure staff felt that the current shortfall would not balloon, if staff felt problems had been properly identified, if the methodology forecasting process needed to be corrected, and when staff first became aware the City was facing these problems, with Ms. Quinto and Mr. Hobbs responding to questions and clarifying issues on the financial environment.

Councilmember Duncan commended staff for presenting the information at this stage in order to meet the challenges, presented questions relative to the public works billing shortage **(3 - 0)** and the substantial shortfall, expressed concern with the shortfall and the “disaster” with the UGM process and management and questioned why the finance department could not handle that function (with Ms. Quinto and Mr. Hobbs responding), and requested staff schedule on the October 8th agenda a report on the feasibility of the finance department taking over full responsibility of the public works department.

Ms. Quinto, Mr. Hobbs, Internal Auditor Koury, and Public Works Director Holmes responded to comments, questions and/or concerns of Councilmembers Ronquillo, Boyajian, President Perea, and Acting President Castillo relative to this type of exercise being beneficial, need to closely monitor the increased property tax revenues to insure the City gets its fair share, the over-expenditure in the police department budget and how that could be dealt with, concern with hiring management positions without determining if they will be cost effective, if the City had an ongoing relationship with the Macias Group, function of the annual financial auditor, if the Macias Groups’ services were needed, specifics of the user fee study, fees and revenue streams including what other cities do, timeline for the UGM

study, if staff has ever talked with Caltrans about receiving impact fees, President Perea expressing his concern with staff being aware in July of the sales tax issue, and stating the \$4.1 million deficit would mean a reduction in some services, position cuts, and/or dipping into the reserves, need for staff to now start questioning the internal part of the City's operation, concern with lack of a consistent message to the community on any issue, whether the City was fiscally sound or not, cost recovery fees, when staff was going to start talking about down-sizing, Mr. Hobbs refuting comments made by President Perea stating they were inaccurate and left erroneous impressions and explained **(4 - 0)**, President Perea stressing staff needs to give Council all the facts to make informative decisions and stating the State's budget may affect the city's FY 04's budget but not FY 03's, question relative to departments looking at 5, 10 and 15% cutback scenarios, and Acting President Castillo stating the report was good but a little too late and he wanted to see management cuts included in the mid-year budget review report. There was no further discussion.

- - - -

LUNCH RECESS - 12:03 P.M. - 1:15 P.M.

(10:30 A.M. #1) CITY COUNCIL CLOSED SESSION:

(A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLES:

1. CITY ATTORNEY
2. CITY CLERK

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION:

1. CLAIM OF LCI
2. PATRIOT HOMES, ET AL. V. COF

(C) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: ONE POTENTIAL CASE - CASE NAME UNSPECIFIED. DISCLOSURE OF TITLE WOULD EITHER JEOPARDIZE ABILITY TO EFFECTUATE SERVICE OF PROCESS OR JEOPARDIZE ABILITY TO CONCLUDE EXISTING SETTLEMENT NEGOTIATIONS TO CITY'S ADVANTAGE

(10:30 A.M. #2) REDEVELOPMENT AGENCY CLOSED SESSION:

(D) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR

(E) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: ONE POTENTIAL CASE - CASE NAME UNSPECIFIED. DISCLOSURE OF TITLE WOULD JEOPARDIZE ABILITY TO EFFECTUATE SERVICE OF PROCESS

The City Council and the Redevelopment Agency met in closed session in Room 2125 at the hour of 1:15 p.m. to consider the above issues and the City Council reconvened in regular open session at 3:58 p.m.

- - - -

(2:45 P.M. #1) DIRECT STAFF TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR CONVENTION CENTER MARKETING AND OPERATIONS SERVICES, AND REQUEST A NINETY DAY EXTENSION TO THE CONVENTION & VISITOR'S BUREAU CONTRACT

Briefly reviewed by Assistant City Manager Souza who stated due to the lack of response received on the RFP for marketing services only staff was recommending an RFP for both marketing and operations and a contract extension.

Speaking in support of the CVB's work and/or to their changes/restructuring were: D-B Heusser, President, CVB Bureau, 1710 Tucker, Selma; Steve Klein, General Manager, Radisson Hotel/CVB Executive Committee Member, 2233 Ventura; Chuck Harrison, USA Roller Sports, 6635 N. Harrison; Art Drolette, Fresno Dixieland Society, 5504 E. Gettysburg; Gordon Webster, Jr., Chamber of Commerce/CVB Board; Stan Oaken, CVB Board and Tourism Committee; Jim Pardini, 6560 N. Sequoia; Dr. Eldon Martens, 27546 Twin Ponds Rd., Clovis; Angela Johnson-Boyce, 3723 E. Dakota; John Herring, 1549 Tollhouse; John Davis, 839 N. Fulton; Barbara Hunt, 2475 S. Walnut; and Randy Ghan.

City Manager Hobbs added the key reason for the recommendation was related to earlier budget discussions to look for savings, efficiencies and revenue enhancement opportunities; clarified the City was currently subsidizing the convention center's enterprise at \$6 million a year; advised the two private companies who handled these kind of facilities throughout the country were aggressive, tied into the entertainment industry, and ran very successful enterprises; noted the challenges facing the City included a lack of a level of activity wanted for the exhibit hall, difficulty in booking profit events at the convention center and stadium, and the fast approaching opening of the Save Mark Center; and stated staff felt there was an obligation to look into contracting out.

Mayor Autry spoke in support of the proposal stating it was for the good of the city; stressed marketing needed to be in the hands of absolute professionals adding Bakersfield has done this with much success; clarified the CVB would not be disbanded and spoke to the opportunities for the employees; and urged Council to move forward with the RFP process adding it was recognized long ago that the convention center was not reaching the potential that it should **(5 - 0)**. Deputy Mayor Montero stated the CVB was invited to respond to the RFP adding the City was not trying to exclude anyone.

Mr. Souza responded to questions of Councilmember Duncan relative to \$6 million subsidy, if the Selland Arena and the stadium would also be included in the RFP, if the private firms had indicated the airport needed to be improved or another hotel was needed before they would get involved, and if other privately managed facilities were unionized. Councilmember Duncan expressed his support for the proposal stressing this was not just about the CVB but about three other facilities with volume problems; commented on the need, and benefit of, connecting to private firms such as SMG; requested Mr. Souza comment on other cities who have combined their marketing and operations; and stated it was incumbent upon Council to move forward with at least the evaluation and made a motion to approve staff's recommendation with the following additions: (1) establish performance measures, (2) have key City management staff from the convention center involved as contract managers or for contract compliance, and (3) establish a Business Advisory Board to obtain their feedback and advice. Councilmember Calhoun stated he was uncomfortable with the additions to the motion as it tied up the proposal and he wanted to see something clean and simple; stated he supported the motion without the additions; spoke to the Mayor's vision stating he had come forward with a reasonable proposal to see what was out there; and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

the need to update the convention center facilities, lack of hotels downtown and airline problems putting the city at a marketing disadvantage, tourism marketing efforts, inadequate funding to the CVB in the past, the exhibit hall playing second fiddle to the Save Mart Center, his feeling that a private firm cannot justly represent two entities properly, need to see a firm commitment from the CVB relative to board restructuring and increased City representation, and stated his support for the CVB's work and for completing their FY 03 contract.

Councilmember Boyajian commended the Mayor for thinking out of the box and looking for a different way of doing things, and Mr. Souza, CVB Executive Director Kennedy and Convention Center Director Valdez responded to his questions and/or clarified issues relative to reason for the lack of response to the RFP, if the private firms spoke to the cost aspect to market Fresno's facilities, if the CVB worked with the convention center director on goals and on obtaining clients/events, Mr. Kennedy clarifying firms like SMG do not have the expertise in the convention marketing area, what awards the convention center has won, if staff felt the convention center was at a disadvantage because the City was not connected to a booking agent, Mr. Valdez clarifying the convention center was hooked up with major entertainment promoters, if the convention center had a good working relationship with the CVB, possible need for goals and criteria, and need for the City to give the entities adequate financial means to be successful.

Mr. Souza, Mr. Hobbs, Mr. Oaken, Mr. Valdez and City Attorney Montoy responded to questions/comments of Councilmember Quintero relative to whether marketing was the reason staff was recommending privatization of the convention center, top entertainment acts that have played at the convention center, opposition to privatizing the convention center, the need to provide enough resources, if staff had received the Macias report, Mr. Hobbs clarifying **(6 - 0)** privatization was not at issue this date--only a recommendation to see what the private sector can do, SMG's contract with the Save Mart Center, if SMG gets a percentage for booking events at the Save Mart Center, the quality business leaders serving on the CVB Board, need to look at marketing the film industry the same as the convention industry, why the CVB committee's proposals to address concerns expressed by Council months ago have not been implemented, business lost with Fresno State basketball and hockey, and the following 2:45pm #2 item and the ability to make a motion to fund the CVB for the remainder of FY 03.

Proceedings on the issue were briefly interrupted.

- - - -

(2:15 P.M.) RESOLUTION - SUPPORTING THE BUSINESS, INDUSTRY AND GOVERNMENT (BIG) COALITION OF THE SOUTH SAN JOAQUIN VALLEY - MAYOR AUTRY

President Perea advised those in attendance the matter was being laid over to October 1, 2002.

- - - -

(2:45 P.M.#1) PROCEEDINGS CONTINUED - DIRECT STAFF TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR CONVENTION CENTER MARKETING AND OPERATIONS SERVICES, AND REQUEST A NINETY DAY EXTENSION TO THE CONVENTION & VISITOR'S BUREAU CONTRACT

Mayor Autry responded to comments made by Councilmember Quintero and spoke to concerts and top acts who have stated they will not come back and the need to look at better competing, and requested Council stand by city film commission employees as adamantly as some have on this issue.

Acting President Castillo spoke in opposition to privatization stating the City would be putting some of its taxpayers out of work, advised he would look at management first before privatizing, spoke to the increase in occupancy room taxes, expressed concern with the lack of action taken by the CVB relative to equal representation based on funding, recommended payment be conditioned upon a change in City representation at the next CVB meeting, stated he also felt SMG would give first preference to the Save Mart Center as they were newer and had a larger capacity, and spoke to the need to pin down the Diamond Group on the operating cost of the stadium and explained.

Mr. Kennedy advised the representation disparity had been discussed by the Board on numerous occasions and clarified it was the consensus of the Board to add additional City representation at the next Board meeting scheduled for November but added the officers were willing to hold a special meeting to take that positive action. Upon question of Councilmember Quintero Mr. Kennedy stated the City's financial contribution to the CVB last year was \$777,300 and the City got a 1,069% return on its investment and explained.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to direct staff to issue an RFP for the marketing and operating services of the Convention Center, and request a ninety day extension to the Convention & Visitor's Bureau contract failed, by the following vote:

Ayes	:	Calhoun, Duncan
Noes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Absent	:	None

(2:45 P.M. #2) AUTHORIZE PAYMENT TO THE CONVENTION & VISITOR'S BUREAU FOR THE QUARTER BEGINNING OCTOBER 1, 2002, IN ACCORD WITH THE CURRENT ADOPTED BUDGET -- PAYMENT TO BE MADE BY 10/1/02 - COUNCILMEMBER QUINTERO

President Perea commended convention center employees and management staff for services provided and thanked the CVB for their efforts, and spoke to the potential of the CVB and convention center staff to behave differently, engage in the ongoing health of the downtown area, and break away from the City and operate as a private sector entity and explained.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, payment to the Convention & Visitor's Bureau for the quarter beginning October 1, 2002, *through the end of Fiscal Year 2003*, hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	Duncan
Absent	:	None

(2:45 P.M. #3) REQUEST STAFF TO RESEARCH AND RETURN WITHIN SIXTY DAYS WITH A JOINT POWERS AUTHORITY MODEL FOR A CONVENTION/SPORTS AUTHORITY - PRESIDENT PEREA

responded to questions of Councilmembers Calhoun and Boyajian relative to whether Fresno County would be involved, who would govern the Authority, and if the City would be in control of its own destiny, Acting President Castillo requested the direction include city employees' jobs would not be affected and questioned what the ramifications were relative to the 2:45 p.m. #2 item just approved, and what other cities had similar authority models.

On motion of President Perea, seconded by Acting President Castillo, duly carried, RESOLVED, staff requested to research and return within sixty days with a joint powers authority model for a Convention/Sports Authority, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	Duncan
Absent	:	None

- - - -

(Brief discussion ensued on whether to hear the general plan presentation this date.)

(3:15 P.M.) PRESENTATION BY SMART TRUCKS, INC., REGARDING DISPOSAL TRUCKS AND COUNCIL DIRECTION - PRESIDENT PEREA

Dirk Poeschel, 2310 Tulare, on behalf of Smart Trucks, Inc., stated the purpose of the presentation was to provide additional information relative to the City's selection of the refuse collection vehicles they would soon be purchasing, advised his presentation would focus on the collection body itself, and began his presentation. Councilmember Calhoun called for a point of order and questioned why the issue was being heard stating it had already been decided upon. President Perea explained the background of the issue, advised no action could be taken this date, and upon question stated Smart Trucks would be making a request to Council this date. Councilmember Calhoun expressed his concern stating a request would be improper, there was no material submitted and he had no ideal what this was matter was about, and asked for the City Attorney's opinion. City Attorney Montoy stated a presentation by the firm on their product was permissible, advised there would be no weighing-in by Council as it would taint the bid process, and recommended Mr. Poeschel submit material in writing relative to what they feel should be included in the bid specifications. Councilmember Calhoun stated this was an infringement on the competitive bidding process, everyone needed to compete equally, and he preferred staff bring the issue forward and not have an individual vendor trying to sell their product to Council.

Councilmember Ronquillo spoke to the past action of Council and stated his feeling then and now was Council was not provided the full threshold of information relative to design and value of the vehicles to make an informed decision and he wanted all options considered and not limit Council to just one course of action. Councilmember Calhoun reiterated his concern stating Councilmember Ronquillo's comments were inappropriate as he was speaking about the vendor. Upon further question Ms. Montoy advised the issue was properly noticed, the vendor could make a presentation, and there was no violation of any act as long as Council just listened and not did not engage in any deliberating, consideration, or follow-up action or direction.

Mr. Poeschel continued and concluded his presentation on the vehicles and products on the market **(7 - 0)**.

John Ennis, Amrep, Inc., 1555 S. Cucamonga, Ontario, CA, spoke in support of Amrep's front-loader units currently operating in the City's fleet and to their value. Councilmember Calhoun expressed his concern with the proceedings and left the dais at 6:17 p.m. An unidentified Smart Truck representative stated performance should be at issue-- not price, and spoke to the benefit of their trucks.

President Perea asked staff to expedite the process and Assistant City Manager Souza advised staff was currently in the process, noted the issue would be controversial when it comes back because staff would try to quantify the issues presented by the speakers this date, and stated staff was working aggressively to bring the issue to Council.

Gloria Torrez spoke in opposition to a CNG fueling station and fueling the trucks at the FAX natural gas station, and questioned the funding source for the purchase of the trucks, with President Perea responding.

- - - -

(2:00 P.M.) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE OF RESOLUTION NO. 2002-283 WAIVING MATCHING FUND REQUIREMENTS FOR FOUNDRY PARK DEVELOPERS, L.P., IN THE AMOUNT OF \$154,485 FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS RELATED TO COMMUNITY FACILITIES DISTRICT NO. 5, VETOED BY MAYOR AUTRY ON SEPTEMBER 6, 2002 (REQUIRES 5 AFFIRMATIVE VOTES) - COUNCILMEMBER RONQUILLO

Councilmember Calhoun returned to the meeting at 6:26 p.m. Councilmember Ronquillo advised the city attorney stated no adjustments or compromises could be made at this point and made a motion to override the veto, which motion was seconded and acted upon after brief discussion.

Acting President Castillo stated he did not want to waive the total debt, and advised Mr. Brodie indicated Foundry Park was willing to pay \$50,000 of the cost and questioned what could be done. City Attorney Montoy stated amendments could not be made to the override of the veto and advised Council to take action on the motion adding if it failed Council could discuss options and negotiations which staff would be proceeding with. City Manager Hobbs stated Council needed to take action on the override and reiterated staff's recommendation was based on the written commitment.

Acting President Castillo questioned if Mr. Brodie was still willing to pay \$50,000 with Mr. Brodie stating Foundry Park had been willing to negotiate from day one, reiterated they felt they had no obligation and were prepared to present their case in court, and stated since their court costs could be as high as \$50,000 their position was a paying a sum of money to the City would be a good business decision. Acting President Castillo spoke in support of a settlement stating he did not want to send a message to the community that the City was not business friendly. Brief discussion ensued on the offer, the situation Council members who wanted to override the veto were in, and options available including Foundry Park's settlement offer.

Barbara Hunt, 2475 S. Walnut, spoke in support of the Mayor's veto.

President Perea stated he would trust Mr. Brodie's word on the \$50,000 commitment.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the Mayoral veto of Resolution No. 2002-28 waiving the matching fund requirements for Foundry Park hereby overridden, by the following vote:

Ayes : Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : Calhoun
Absent : None

- - - -

(2:10 P.M.) APPEARANCE BY GARY MCDONALD TO REQUEST COUNCIL PROVIDE STAFF DIRECTION REGARDING COPPER-MILLBROOK NO. 2 ANNEXATION AND REORGANIZATION

Mr. McDonald reviewed the issue and requested staff be directed to prepare a separate tax revenue sharing agreement and explained.

City Attorney Montoy responded to questions of Councilmember Duncan relative to whether direction could be given this date to staff to develop a stand alone agreement, if the property was in the county, if the city had ever given permits for construction in the county, and if a solution could be found to allow Mr. McDonald's employees to begin working in a reasonable period of time. A motion was made giving direction to staff.

Councilmember Ronquillo spoke in support of the City doing all it could to expedite the project citing the housing demand in that area, Upon question of Councilmember Calhoun, Planning and Development Director Yovino stated he felt something could be worked out and his staff would work with the city attorney, developer and Fresno County on the issue.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff directed to develop and return in one week with a stand alone tax sharing agreement for approval by Fresno County along with recommendations to obtain necessary permits, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : Boyajian
Absent : None

- - - -

(4:15 P.M.) RESOLUTION NO. 2002-310 - APPROVING THE STREET NAME CHANGE REQUEST BY GRANITE CONSTRUCTION TO CHANGE THE NAME OF A SEGMENT OF SOUTH ANGUS AVENUE, LOCATED SOUTH OF EAST DOROTHY AVENUE, TO GRANITE COURT (DISTRICT 3)

A motion and second to approve the street name change was made and acted upon after brief discussion. Planning Manager Beach, Assistant City Manager Souza and Planning and Development Director Yovino responded to questions of Acting President Castillo and Councilmember Calhoun relative to costs involved, if the fees paid by Granite only covered the City's cost, status of the street name change policy study, and if this action would jeopardize the draft ordinance.

Barbara Hunt, 2475 S. Walnut, spoke in opposition to the name change. Councilmember Calhoun left the meeting at 6:51 p.m.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-310 hereby adopted, by the following vote:

Ayes : Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : Calhoun

- - - -

(3:30 P.M. #1) CONTINUED HEARING ON TEXT AMENDMENT NO. TA-02-02 AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE STREAMLINING THE REZONING PROCESS AND MAKING MINOR CLARIFICATION CHANGES TO OTHER SECTIONS OF THE ZONING ORDINANCE
(CONTINUE TO 10/1/02, AT 10:30 A.M.)

Continued as noted.

- - - -

Councilmember Calhoun returned to the meeting at 6:53 p.m.

(3:30 P.M. #2) CONSIDER SOCIAL SERVICE FUNDING RECOMMENDATIONS FROM THE HUMAN RELATIONS COMMISSION

Deputy City Manager Haynes reviewed the issue as contained in the staff report as submitted.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, who questioned certain recommendations and stated Council needed to make the determinations; and Kathleen Mancebo, 4270 N. Blackstone, Executive Director, Fresno Area Non Profit Council, who spoke to the need for Council to invest funds in the agencies.

Councilmember Duncan stated HRC's recommendations for the most part were good but he had a concern was funding Fresno REEL Pride as it was entertainment venue and explained, and made a motion to approve the recommendations and remove the funding for REEL Pride and reallocate those funds to the Marjaree Mason Center. The motion died for lack of a second. Lengthy discussion ensued. Councilmember Boyajian spoke to the contributions REEL Pride makes to other non-profits and to community, stated he had a problem with funding the Legion of Valor Museum as he felt they did not meet the funding criteria, spoke to the need to fund children who use the Memorial Auditorium, and questioned how much money went to non-profits from the REEL Pride festival, with HRC Social Services Funding Subcommittee Chair Houck responding. **(8 - 0)** Councilmember Ronquillo thanked the HRC subcommittee for all their work and efforts, commended the organizations who leverage their funds to better help the community, and stated he supported the recommendations for the most part and advised there was interest to have a Council subcommittee review the recommendations one last time and report back. Mr. Houck and City Manager Hobbs responded to questions of Councilmember Calhoun relative to whether the House of Hope's bookkeeping practices were looked at, if any Babe Ruth League could apply for funds, why the Edison High Babe Ruth League was chosen, if museums other than the Legion of Valor applied for funds, if the name of the Chicano Youth Center had been discussed/addressed in terms of grants, and if Mr. Houck was privy to the research he requested from staff relative to other California cities that provide social service funding. Councilmember Duncan clarified if Council approved the funding recommendations the taxpayers would be supporting certain types of movies and read some of the titles.

Councilmember Quintero made a motion to approve the HRC's recommendations. Brief discussion ensued with Mr. Houck, social service agency representatives in the audience, and Mr. Haynes responding to questions of Councilmembers Boyajian and Quintero and President Perea relative to whether the current evaluation and funding process/criteria needed to be improved, if certain agencies should not be funded, when agencies would have to start laying off employees if the matter was not approved this date, why the recommendations were being presented to Council this late if employees would have to be laid off now, why the Legion of Valor was told to apply for these funds versus normal city funds, number of other organizations who obtained funding in a non-competitive environment and total amount of funding, need for a Council subcommittee to review the recommendations and report back, need for non-departmental programs to be returned back to the City side of funding, and the decrease in social service funds over the years and need to fund only existing programs.

On motion of President Perea, seconded by Acting President Castillo, duly carried, RESOLVED, a Council subcommittee consisting of Councilmember Boyajian and Acting President Castillo established to review the recommendations of the Human Relations Commission and report back with recommendations in one week, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea
Noes	:	Duncan, Quintero, Ronquillo
Absent	:	None

- - - -

(4:00 P.M.) HEARING ON REZONING APPLICATION NO. R-02-18 AND ENVIRONMENTAL FINDINGS, FILED BY LELAND E. SCOTT, PROPERTY LOCATED AT 7370, 7372 N. SUGAR PINE AVENUE AND 56 W. PINEDALE AVENUE

1. CONSIDER AND ADOPT NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT O. R-02-018
2. BILL NO. B-52 - ORDINANCE NO. 2002-50 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 TO C-6

President Perea announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. R-02-018, dated August 7, 2002, hereby approved, and the above entitled Bill No. B-52 adopted as Ordinance No. 2002-50, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

Leland Scott, applicant, expressed concern with the scheduled time and actual time the matter was heard, and spoke in support of the project and thanked Council for their support.

- - - -

(3-A) * BILL NO. B-48 - ORDINANCE NO. 2002-51 - REPEALING, AMENDING AND ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO RECOVERY OF COST AND PENALTIES INCURRED OR IMPOSED IN CODE ENFORCEMENT AND NUISANCE ABATEMENT ACTIONS

City Attorney Montoy gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-48 adopted as Ordinance No. 2002-51, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(3-B) * BILL NO. B-49 - ORDINANCE NO. 2002-52 - AMENDING SECTION 509 OF ARTICLE 5 OF CHAPTER 5 OF THE FRESNO MUNICIPAL CODE RELATING TO MONTHLY REQUIREMENTS BY THE CHIEF OF POLICE REGARDING CONCEALED WEAPONS LICENSE STATISTICS

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-49 adopted as Ordinance No. 2002-52, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(5-A) REQUEST THE CREATION OF A 108 LOAN PROGRAM USING CDBG FUNDS FOR LOANS TO CREDIT WORTHY BUSINESS INVESTORS DEVELOPING IN THE DOWNTOWN AND INNER-CITY AREAS - COUNCILMEMBER BOYAJIAN

Laid over one week.

- - - -

(5-B) DISCUSS COMPLETION OF AN ACTUARIAL REPORT REGARDING RETIREMENT OPTIONS OF 3% AT 50 - PRESIDENT PEREA

Laid over one week.

- - - -

RECESS - 7:27 P.M. - 7:50 P.M.

(5:30 P.M.) PRESENTATION ONLY, OF THE DRAFT 2025 FRESNO GENERAL PLAN AND MASTER ENVIRONMENTAL IMPACT REPORT NO. 10130 - PUBLIC HEARING TO COMMENCE OCTOBER 1, 2002, AT 5:30 P.M.

Planning and Development Director Yovino introduced and commended key staff and professionals involved, gave an informational overview of the issue as contained in the staff report as submitted, and along with Planning Manager Haro, Ruth Davis, TPG Consulting, Inc., Tom Jordan, SJVAPCD, and Public Utilities Director McIntyre continued the presentation at length reviewing the purpose and need for the general plan update, organization and elements of the general plan, EIR and CEQA purposes and processes, the three key issues of traffic circulation **(9 - 0)**, air quality and goals for improvement, and water quantity and quality that have been raised by citizens at meetings, and responded briefly throughout the presentation to Council questions relative to water threshold, parks and ponding basins, timeline for adoption of the general plan, and rezoning the entire city at one time. Mr. Yovino made closing statements stressing implementation was very important to the general plan **(10 - 0)**, and President Perea commended staff and everyone involved for the presentation and their work and efforts.

- - - -

(3:30 P.M. #3) DISCUSSION OF TRANSFER OF CONTRACT ADMINISTRATION OF SOCIAL SERVICE GRANT AWARDS FROM THE PARKS AND RECREATION DEPARTMENT TO THE FINANCE DEPARTMENT - COUNCILMEMBER CALHOUN

Laid over one week.

- - - -

ADJOURNMENT

There being no further business to bring before the Council, the hour of 9:00 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 1st day of October, 2002.

_____ATTEST:_____	
Henry Perea, Council President	Yolanda Salazar, Assistant City Clerk